



5-25-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: #439 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 05/20/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
PAID, STOP-1105

RE: Property Owner: SEE BELOW  
LOCATION: SEE BELOW

Item No.: SEESLOW Zoning Agent:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 428, 439, AND 439.

REVIEWER: LT. ROBERT P. SAUERHAUD  
Fire Marshal Office, PHONE 867-4331, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: June 2, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 428, 439, 446, 457, 458, 461, 466, 467 and 469.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long  
Division Chief

PK/JL:lw

ZAC. 428/PZONE/ZAC1

RE: PETITION FOR VARIANCE  
11600 Eastern Avenue - Bird River Garage  
NW/8 Eastern Avenue, 100' NE c/l Bowleys  
Quarters Road, 15th Election Dist.,  
5th Councilmanic Dist.

BEFORE THE  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

Ernie Lucas, Jr.  
Petitioner

CASE NO.: 94-454-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esquire, 29 W. Susquehanna, Suite 610, Towson, MD 21204, Attorney for Petitioner.

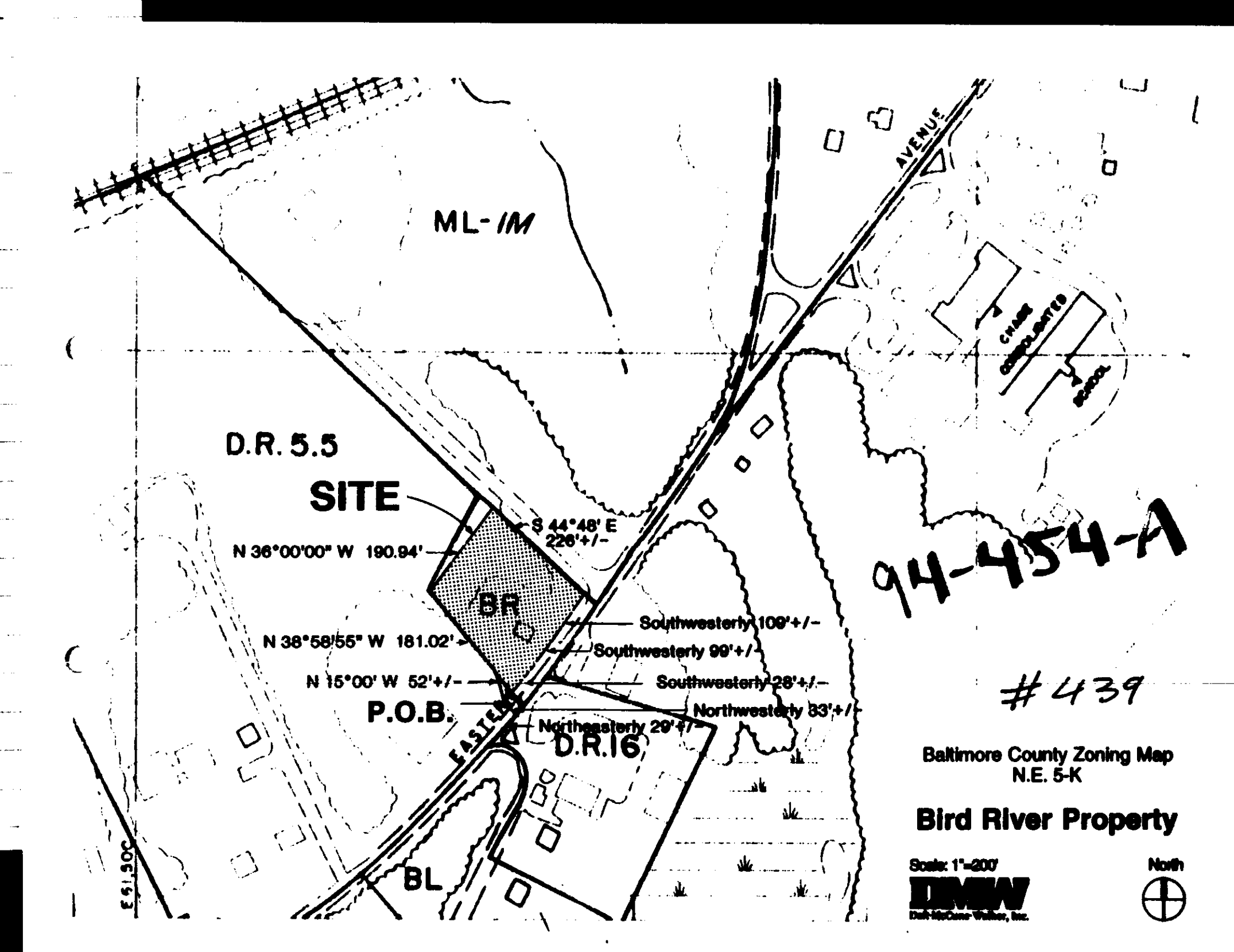
Peter Max Zimmerman  
PETER MAX ZIMMERMAN

#439 5/12/94

To the hearing officer:

On the site plan, there is indication of auto sales. There is no special exception on the property; however, the attorney stated that car sales are new and used. If the new car sales are eliminated, then a special exception is required. Also, there seems to be trailers off the property. This should be cleared up before a decision is set forth. Any questions, let me know.

Match



TRANSMITTAL

DAFT-MACINE-WALKER, INC.  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: (301) 296-3333

TO: OFF. PLNG & ZONING Date: 10-29-91  
Job no.: 91098E  
Attention:  
Reference: BIRD RIVER GARAGE

Gentlemen:  
We are sending you:  
☐ Shop drawings ☐ attached ☐ under separate cover: ☒ via DWG  
☐ Specifications ☐ Samples ☐ Plans

Copies	Date	Number	Description
5/1			200' TOPD
			APPLICATION
			JUSTIFICATION
			ENVIRO CRIST
			PPE, 1/4 E335, \$500.

These are transmitted as checked below:  
☐ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☒ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☐ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment

Remarks:

cc: \_\_\_\_\_ Signed: [Signature]

TO WHOM IT MAY CONCERN:

I, the undersigned, wish to advise Councilman Guardina in the Baltimore County Council that I am a resident of Baltimore County and reside in the Fifth Councilmanic District.

I am aware of the zoning petition filed by Bird River Garage requesting a re-zoning by the County Council during the comprehensive zoning map process, from ML to BR. I am in favor of having a service garage located at 11600 Eastern Avenue and hope that the re-zoning will be approved.

NAME	ADDRESS
Bill Phipps	W. 15th St. Rd.
Cal Pitt	Cal Pitt
11 Am Bo C.R.	
283 HClays Ave	
21 Bononi Cir	
89 Akim Cir	
147 Wilkes Lane	
128 Lakeside	
5 Ambo Cir	
44 Alborge	
52 Ambo Cir	
19 Cortney Ct	
20 Ofelia Ct	
30 Hycett	
91 Akim	
Bassett	
Elm Park Dr	
64 Lynd	

ORDER ACKNOWLEDGMENT: Y ☒ If you, review and sign below.

25. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.

I hereby acknowledge that if any zoning action, a change in the property tax assessment and/or transfer taxes may result for which the property owner could be responsible.

Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

Owner Name (Type or Print) \_\_\_\_\_ (Signature) \_\_\_\_\_



# 439

9-1-15-1-A Description  
to Accompany Petition for Zoning Variances  
Ernest A. Lucas, Jr. and Wife Property  
(Bird River Garage)  
Fifteenth Election District, Baltimore County, Maryland

DMW

Dub MCune Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204  
410-296-1333  
Fax: 296-4795  
A Team of Land Planners  
Landscape Architects  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same on the northwest side of Eastern Avenue, of variable width, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Eastern Avenue with the centerline of Bowleys Quarter Road (1) Northeasterly, 29 feet, more or less, and thence (2) Northwesterly 33 feet, more or less, to the point of beginning, thence leaving said point of beginning and the northwest side of Eastern Avenue and running the four following courses and distances, viz: (1) North 15 degrees 00 minutes West 52 feet, more or less, thence (2) North 38 degrees 58 minutes 55 seconds West 181.02 feet, thence (3) North 36 degrees 00 minutes East 190.94 feet, and thence (4) South 44 degrees 48 minutes East 226 feet, more or less, to intersect the aforesaid northwest side of Eastern Avenue, thence running and binding thereon the three following courses and distances, viz: (5) Southwesterly 109 feet, more or less, thence (6) Southwesterly 99 feet, more or less, and thence (7) Southwesterly 28 feet, more or less, to the point of beginning; containing 1.03 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
February 14, 1994  
Project No. 91098.A



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 4/17/94  
Posted for: Ernest A. Lucas, Jr.  
Petitioner: Ernest A. Lucas, Jr.  
Location of property: 11600 Eastern Avenue, 100' E. Bowleys Q. Rd.  
Location of Signs: 11600 Eastern Avenue, 100' E. Bowleys Q. Rd.  
Remarks:  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 4/18/94

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 27, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 26, 1994.

THE JEFFERSONIAN,  
A. Henricson  
LEGAL AD. - TOWSON

CRITICAL AREA

receipt

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6190  
Number  
Item Number: 439  
Taken In By: [Signature]  
Date: 5/12/94  
Lucas, Ernest - 11600 Eastern Avenue  
020 - Comm Variance Filing - \$250.00  
080 - 150 - Posting - \$ 35.00  
Total - \$1 285.00  
Please Make Checks Payable To: Baltimore County  
CASHIER VERIFICATION

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 439  
Petitioner: Ernest Lucas, Jr.  
Location: 11600 Eastern Avenue  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Leslie M. Pittler  
ADDRESS: 29 West Susquehanna, Suite 610  
Towson, MD  
PHONE NUMBER: 823-4455

MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY  
May 26, 1994 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.  
29 W. Susquehanna Avenue #610  
Towson, Maryland 21204  
823-4455

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-454-A (Item 439)  
11600 Eastern Avenue - Bird River Garage  
NW/SE Eastern Avenue, 100' NE c/l Bowleys Quarters Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Ernest Lucas, Jr.

HEARING: WEDNESDAY, JUNE 22, 1994 at 10:00 a.m. Rm. 106 County Office Bldg.

Variance to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; to permit a service garage to be as close as zero feet from a side property line in lieu of the required 30 feet; to permit a service garage to be as close as 17 feet from a rear property line and to permit the proposed expansion of a service garage to be as close as 16 feet from a rear property line in lieu of the required 30 feet; to permit a residence to be as close as 8 feet from a rear property line in lieu of the required 30 feet; and in the event of the conversion of the existing residence to a general office use, a variance to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-454-A (Item 439)  
11600 Eastern Avenue - Bird River Garage  
NW/SE Eastern Avenue, 100' NE c/l Bowleys Quarters Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Ernest Lucas, Jr.

HEARING: WEDNESDAY, JUNE 22, 1994 at 10:00 a.m. Rm. 106 County Office Bldg.

Variance to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; to permit a service garage to be as close as zero feet from a side property line in lieu of the required 30 feet; to permit a service garage to be as close as 17 feet from a rear property line and to permit the proposed expansion of a service garage to be as close as 16 feet from a rear property line in lieu of the required 30 feet; to permit a residence to be as close as 8 feet from a rear property line in lieu of the required 30 feet; and in the event of the conversion of the existing residence to a general office use, a variance to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet.

[Signature]

Arnold Jablon  
Director

cc: Ernest Lucas, Jr.  
Leslie M. Pittler, Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 13, 1994

Leslie M. Pittler  
Suite 610  
20 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 94-454-A, Item No. 439  
Petitioner: Ernest Lucas, Jr.  
Petition for Variance

Dear Mr. Pittler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 12, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 27, 1994  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief RWB/DAK  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for May 31, 1994  
Item No. 439

The Developers Engineering Section has reviewed the subject zoning item. A schematic landscape plan must be submitted and tentatively approved prior to the hearing.

RWB:sw

IN RE: PETITION FOR VARIANCE  
NW/SE Eastern Ave., 100' NE of  
the c/l of Bowleys Quarters Rd.  
(11600 Eastern Avenue)  
15th Election District  
5th Councilmanic District  
Ernie Lucas, Jr.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-454-A  
\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11600 Eastern Avenue, located in the Chase area of southeastern Baltimore County. The Petition was filed by the owner of the property, Ernie Lucas, Jr., seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.1 to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; from Section 238.2 to permit the existing service garage building to be as close as 0 feet from a side property line and as close as 17 feet from the rear property line in lieu of the required 30 feet for both, and to permit the proposed expansion of said service garage to be as close as 16 feet from the rear property line in lieu of the required 30 feet; from Section 302 to permit an existing residence to be as close as 8 feet from the rear property line in lieu of the required 30 feet; and from Section 238.2 to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet for both, in the event the existing residence is converted to general office use. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ernie Lucas, Jr., property owner, Mike Maguire, Registered Property Line Surveyor with Daft-McCune-Walker, Inc., and Leslie M. Pittler, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence revealed that the subject property consists of a gross area of 1.19 acres, more or less, predominantly zoned B.R. with a small sliver of D.R. 5.5 zoned land along the northern property line. The site is improved with a service garage and residence, which doubles as a temporary office. The Petitioner has operated a service garage from the subject site for the past five (5) years. In 1992, the property was rezoned to B.R. through the Comprehensive Zoning Reclassification process. At that time, the Petitioner was aware that a change in zoning would necessitate the variances which are the subject of this request. Therefore, the requested variances are necessary in order to bring the property into compliance with the current zoning regulations. Furthermore, as shown on Petitioner's Exhibit 1, the Petitioner proposes to expand his current operation by constructing an addition onto the existing service garage building and converting the residence to permanent office space for his business. No one appeared in opposition to the Petitioner's request, and the Petitioner submitted many letters of support from surrounding property owners, marked as Petitioner's Exhibit 2.

Mr. Maguire, a representative of Daft-McCune-Walker, Inc., briefly discussed the Zoning Plans Advisory Committee (ZAC) comments submitted by the various Baltimore County reviewing agencies, among which the Department of Public Works submitted a comment indicating that a schematic landscape plan must be submitted for review and approval. Mr. Maguire presented at the hearing the required landscape plan, marked as Petitioner's Exhibit 3,

- 2 -

which I accepted and approved as the landscaping treatment necessary for this site. Furthermore, a discussion ensued of the comment dated June 13, 1994 by the Department of Environmental Protection and Resource Management (DEPRM), during which the Petitioner agreed to abide by the terms enunciated therein.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

- 3 -

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of July, 1994 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.1 to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; from Section 238.2 to permit the existing service garage building to be as close as 0 feet from a side property line and as close as 17 feet from the rear property line in lieu of the required 30 feet for both, and to permit the proposed expansion of said service garage to be as close as 16 feet from the rear property line in lieu of the required 30 feet; from Section 302 to permit an existing residence to be as close as 8 feet from the rear property line in lieu of the required 30 feet; and from Section 238.2 to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet for both, in the event the existing residence is converted to general office use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 4 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2) The Petitioner shall provide landscaping in accordance with that depicted on Petitioner's Exhibit 3.
- 3) The Petitioner shall comply with the requirements set forth in DEPRM comments dated June 13, 1994.

- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 21, 1994

Leslie M. Pittler, Esquire  
29 West Susquehanna Avenue, Suite 610  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
NW/SE Eastern Ave., 100' NE of the c/l of Bowleys Quarters Rd.  
(11600 Eastern Avenue)  
15th Election District - 5th Councilmanic District  
Ernie Lucas, Jr. - Petitioner  
Case No. 94-454-A

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

✓File



#439  
**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 11600 Eastern Avenue  
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

238.1, 238.2, 302, 238.2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

That the site was rezoned on the 1992 Comprehensive Zoning Map to BR. This petition will allow the needed variances to conform the site to its allowed use based upon practical difficulty to operate without the granting of said variances.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Phone No.

City

State

Zip Code

(We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zip Code

Phone No.

City

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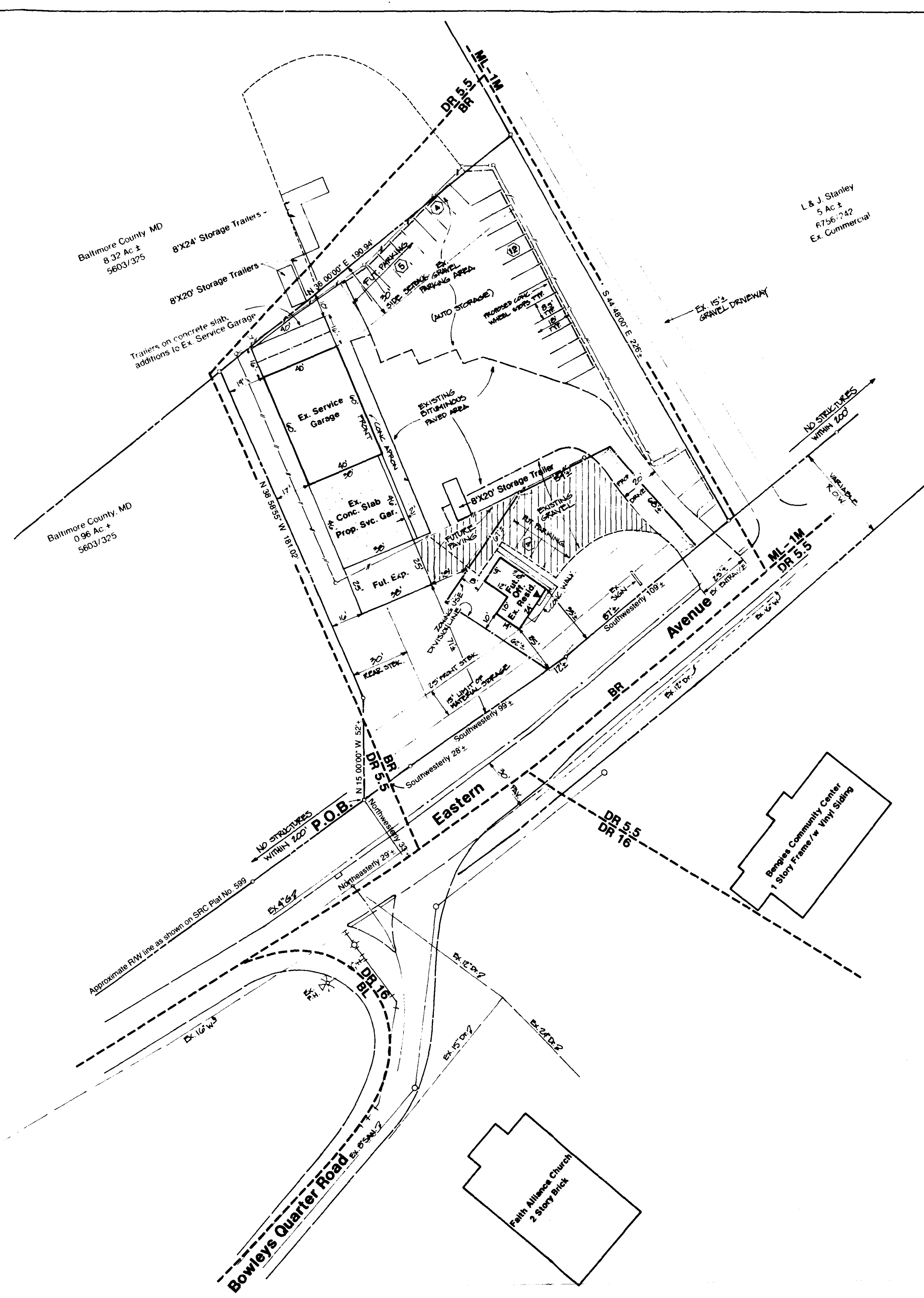
Phone No.

City

State

Zip Code

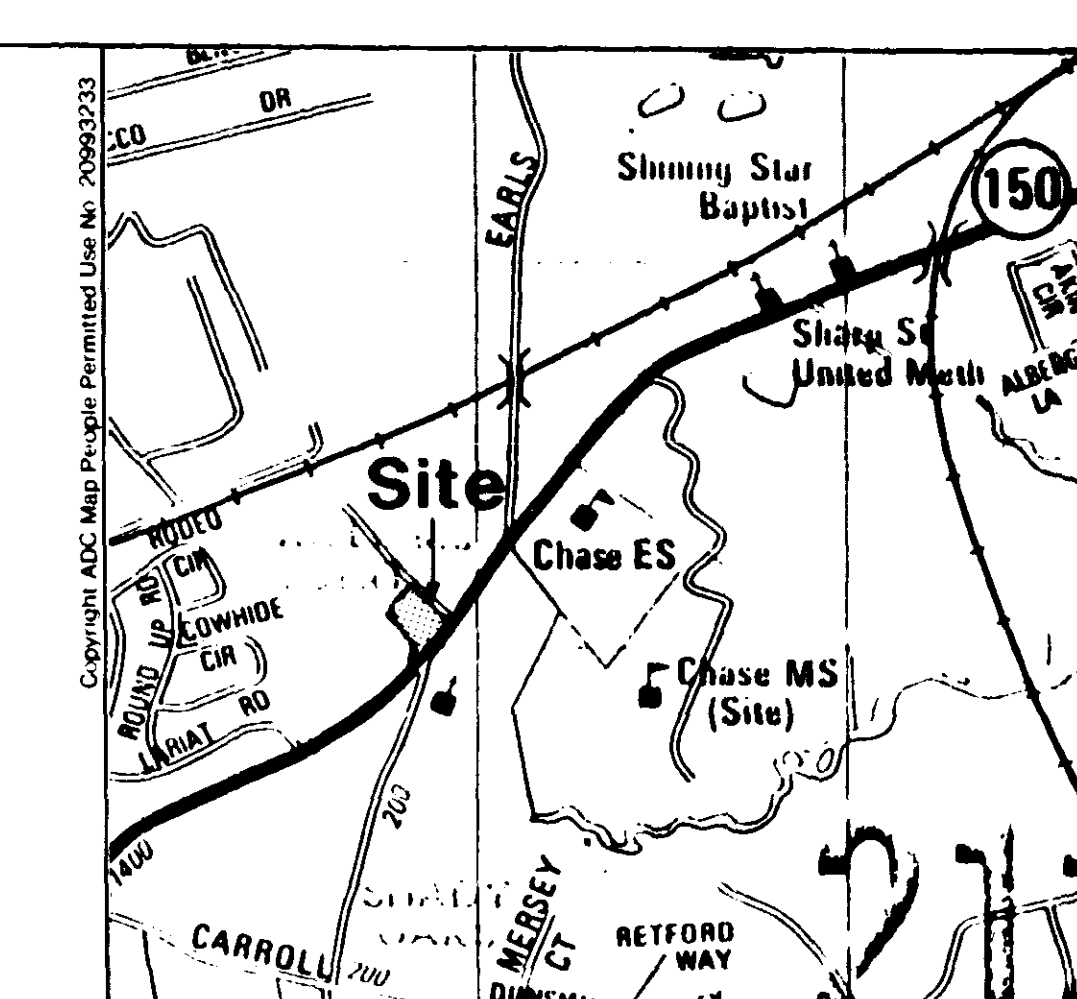




- General Notes**
- Owner: Ernest A. Lucas Jr. & W. P. Perrygo, Jr.  
Deed Ref.: 8067194  
Tax Acct.: 15-13-202480
  - Councilman District 5, Election District 15
  - Site Acreage and Zoning:  
Net Acreage = 1.03 Ac ± BR  
Gross Acreage = 1.19 Ac ± BR (incl. 30' Eastern Ave. R/W)
  - Existing uses: service garage, auto sales and service & residence
  - Floor Area Ratio (2.0):  
Allowed = 2.0 x 1.19 Ac = 103,673 SF  
Proposed = 3040 SF Ex. Garage/Trailers  
1748 SF Prop. Garage Expansion  
150 SF Fut. Office Expansion  
1200 SF Ex. Residence/Future Office  
6738 SF (10.13 FAR)
  - Parking:  
Required = 3740 SF Ex. Gar. @ 3.3/1000 = 10 Sp  
1748 SF Prop. Gar. @ 3.3/1000 = 5 Sp  
150 SF Fut. Office @ 3.3/1000 = 4 Sp  
1200 SF Ex. Office @ 3.3/1000 = 3 Sp  
Grand Total = 22 Sp  
Proposed = 16 Spaces Prop.  
2 Spaces Future  
18 Spaces Total
- Parking will be paved with a durable, dustless surface and street shoulders will be a minimum of 8' x 18'. Per Sec. 405 A BCZR, storage of damaged vehicles will be achieved with an 8' high fence and the area will be paved with permanent all-weather materials over suitably compounded and compacted base materials.
- The entire site is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area.
  - There are no known wells, septic areas or underground tanks on this property.
  - There are no known streams, seeps or 100 year flood plains on this site.
  - Previous commercial permits:  

Permit Number	Date Issued
800127	01/24/89
8014801	05/02/89
801723	05/30/89
8011476	06/06/89
8153229	01/21/93

- Data Sources:**
- Property outline from plat prepared by Frank S. Lee dated 5-18-90 and SRC Plat No. 599.
  - Zoning lines taken from 2007 zoning maps.



**Vicinity Map**  
Scale 1" = 1000'

- Requested Zoning Actions**
- Variance from B.C.Z.R. Section 238.1 to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet.
  - Variance from B.C.Z.R. Section 238.2 to permit a service garage to be as close as 0 feet from a side property line in lieu of the required 30 feet.
  - Variance from B.C.Z.R. Section 238.2 to permit a service garage to be as close as 17 feet from a rear property line and to permit the proposed expansion of a service garage to be as close as 16 feet from a rear property line in lieu of the required 30 feet.
  - Variance from B.C.Z.R. Section 302 to permit a residence to be as close as 6 feet from a rear property line in lieu of the required 30 feet.
  - In the event of the conversion of the existing residence to a general office use, a variance from B.C.Z.R. Section 238.2 to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet.

PRINTED  
APR 25 1994  
DAFT-MCCUNE-WALKER, INC.

**PETITIONER'S EXHIBIT NO. 1**

**DMW**  
Daft-McCune-Walker, Inc.  
240 East Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 296-1333  
Fax: 296-4705

**PLAN & PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES**

**PROPERTY OF E. A. LUCAS & W.F.**  
11600 EASTERN AVE

15th ELECTION DIST BALTIMORE CO., MD

**Legend**

- Ex. Bituminous Paving
- Ex. Gravel Paving
- Proposed Bituminous Paving
- Ex. Concrete Paving
- Ex. 8' Stockade Wood Fence
- Fut. Paving
- Building Entrance

**Revisions**

DATE	BY	REVISIONS

**Issue Dates**

REVIEW	DATE	DESIGNED	DATE	BASE	DRAWN	DATE
BID	4-25-94				MEP	
PERMIT						
CONSTRUCTION						
SCALE	1" = 30'					
PROJECT NO.	91098.A					

**1 of 1**

94-454-A

#439

5-25-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: #439 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 05/20/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
PAID, STOP-1105

RE: Property Owner: SEE BELOW  
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agent:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 428, 439, AND 439.

REVIEWER: LT. ROBERT P. SAUERHAUD  
Fire Marshal Office, PHONE 867-4331, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: June 2, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 428, 439, 446, 457, 458, 461, 466, 467 and 469.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long  
Division Chief

PK/JL:lw

ZAC. 428/PZONE/ZAC1

RE: PETITION FOR VARIANCE  
11600 Eastern Avenue - Bird River Garage  
NW/8 Eastern Avenue, 100' NE c/l Bowleys  
Quarters Road, 15th Election Dist.,  
5th Councilmanic Dist.

BEFORE THE  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

Ernie Lucas, Jr.  
Petitioner

CASE NO.: 94-454-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esquire, 29 W. Susquehanna, Suite 610, Towson, MD 21204, Attorney for Petitioner.

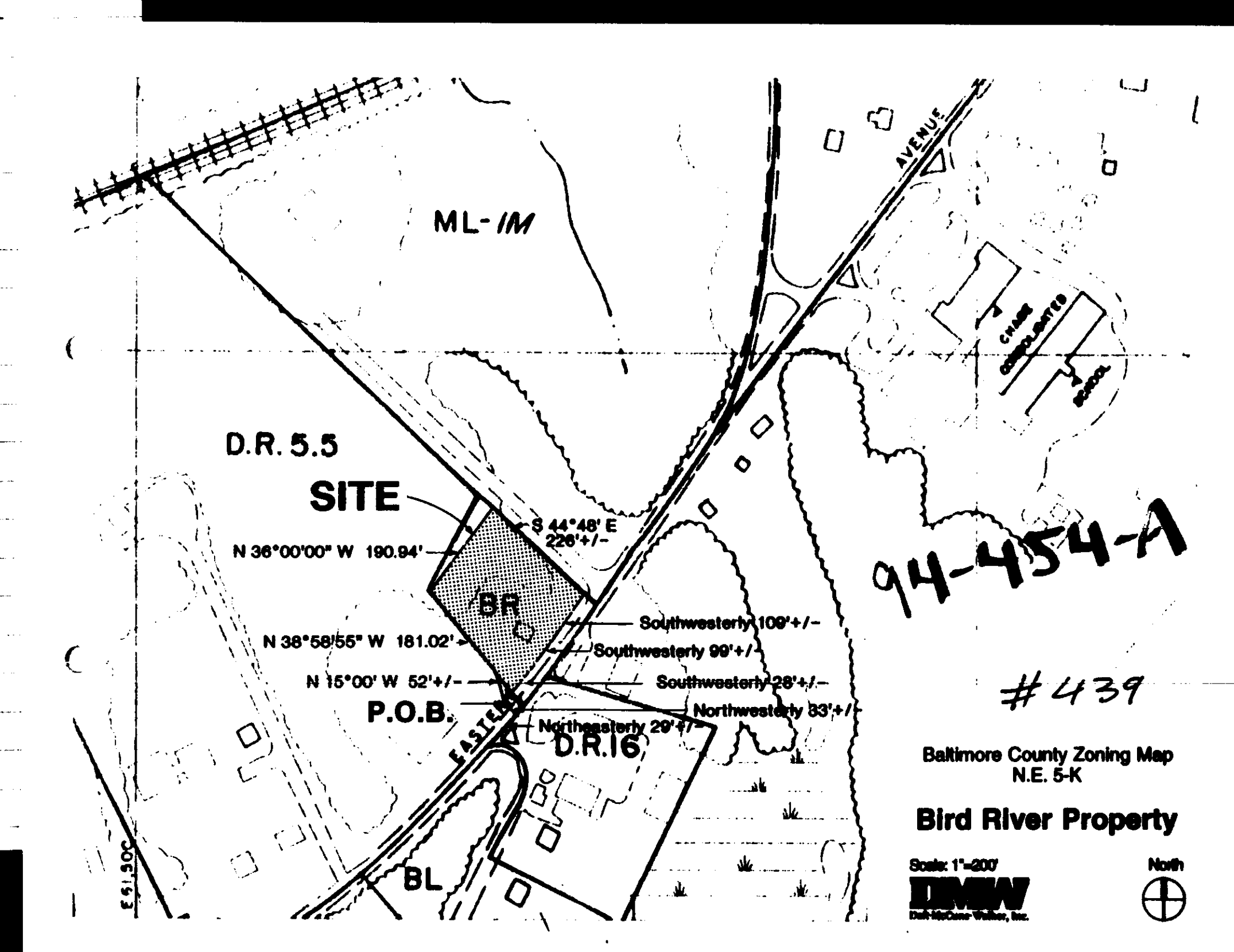
Peter Max Zimmerman  
PETER MAX ZIMMERMAN

#439 5/12/94

To the hearing officer:

On the site plan, there is indication of auto sales. There is no special exception on the property; however, the attorney stated that car sales are new and used. If the new car sales are eliminated, then a special exception is required. Also, there seems to be trailers off the property. This should be cleared up before a decision is set forth. Any questions, let me know.

Match



TRANSMITTAL

DAFT-MACINE-WALKER, INC.  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: (301) 296-3333

TO: OFF. PLNG & ZONING Date: 10-29-91  
Job no.: 91098E  
Attention:  
Reference: BIRD RIVER GARAGE

Gentlemen:  
We are sending you:  
☐ Shop drawings ☐ attached ☐ under separate cover: ☒ via DWG  
☐ Specifications ☐ Samples ☐ Plans

Copies	Date	Number	Description
5/1			100' TOP
			APPLICATION
			JUSTIFICATION
			ENVIRO CRIST
			PPE, 1/4" E335, \$500.

These are transmitted as checked below:  
☐ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☒ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☐ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment

Remarks:

cc: \_\_\_\_\_ Signed: [Signature]

TO WHOM IT MAY CONCERN:

I, the undersigned, wish to advise Councilman Guardina in the Baltimore County Council that I am a resident of Baltimore County and reside in the Fifth Councilmanic District.

I am aware of the zoning petition filed by Bird River Garage requesting a re-zoning by the County Council during the comprehensive zoning map process, from ML to BR. I am in favor of having a service garage located at 11600 Eastern Avenue and hope that the re-zoning will be approved.

NAME	ADDRESS
Bill Phipps	W. 15th St. Rd.
Cal Pitt	Cal Pitt
11 Am Bo C.R.	
283 HClays Ave	
21 Bononi Cir	
89 Akim Cir	
147 Wilkes Lane	
128 Lakeside	
5 Ambo Cir	
44 Alborge	
52 Ambo Cir	
19 Cortney Ct	
20 Ofelia Ct	
30 Hycett	
91 Akim	
Bassett	
Chas. Keith F. REED	
64 Lynd	

ORDER ACKNOWLEDGMENT: Y ☒ If you, review and sign below.

25. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.

I hereby acknowledge that if any zoning action, a change in the property tax assessment and/or transfer taxes may result for which the property owner could be responsible.

Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

Owner Name (Type or Print) \_\_\_\_\_ (Signature) \_\_\_\_\_



# 439

9-1-15-1-A  
Description  
to Accompany Petition for Zoning Variances  
Ernest A. Lucas, Jr. and Wife Property  
(Bird River Garage)  
Fifteenth Election District, Baltimore County, Maryland

DMW

Dub MCune Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204  
410-296-1333  
Fax: 296-4795  
A Team of Land Planners  
Landscape Architects  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same on the northwest side of Eastern Avenue, of variable width, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Eastern Avenue with the centerline of Bowleys Quarter Road (1) Northeasterly, 29 feet, more or less, and thence (2) Northwesterly 33 feet, more or less, to the point of beginning, thence leaving said point of beginning and the northwest side of Eastern Avenue and running the four following courses and distances, viz: (1) North 15 degrees 00 minutes West 52 feet, more or less, thence (2) North 38 degrees 58 minutes 55 seconds West 181.02 feet, thence (3) North 36 degrees 00 minutes East 190.94 feet, and thence (4) South 44 degrees 48 minutes East 226 feet, more or less, to intersect the aforesaid northwest side of Eastern Avenue, thence running and binding thereon the three following courses and distances, viz: (5) Southwesterly 109 feet, more or less, thence (6) Southwesterly 99 feet, more or less, and thence (7) Southwesterly 28 feet, more or less, to the point of beginning; containing 1.03 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
February 14, 1994  
Project No. 91098.A



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 4/17/94  
Posted for: Ernest A. Lucas, Jr.  
Petitioner: Ernest A. Lucas, Jr.  
Location of property: 11600 Eastern Avenue, 100' E. Bowleys Q. Rd.  
Location of Signs: 11600 Eastern Avenue, 100' E. Bowleys Q. Rd.  
Remarks:  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 4/18/94

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 27, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 26, 1994.

THE JEFFERSONIAN,  
A. Henricson  
LEGAL AD. - TOWSON

CRITICAL AREA

receipt

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6190  
Number  
Item Number: 439  
Taken In By: [Signature]  
Date: 5/12/94  
Lucas, Ernest - 11600 Eastern Avenue  
020 - Comm Variance Filing - \$250.00  
080 - 154 - Posting - \$ 35.00  
Total - \$1 285.00  
CHECKED FOR VALIDATION  
Please Make Checks Payable To: Baltimore County  
CASHIER VALIDATION

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 439  
Petitioner: Ernest Lucas, Jr.  
Location: 11600 Eastern Avenue  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Leslie M. Pittler  
ADDRESS: 29 West Susquehanna, Suite 610  
Towson, MD  
PHONE NUMBER: 823-4455

MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY  
May 26, 1994 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.  
29 W. Susquehanna Avenue #610  
Towson, Maryland 21204  
823-4455

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-454-A (Item 439)  
11600 Eastern Avenue - Bird River Garage  
NW/SE Eastern Avenue, 100' NE c/l Bowleys Quarters Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Ernest Lucas, Jr.  
HEARING: WEDNESDAY, JUNE 22, 1994 at 10:00 a.m. Rm. 106 County Office Bldg.

Variance to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; to permit a service garage to be as close as zero feet from a side property line in lieu of the required 30 feet; to permit a service garage to be as close as 17 feet from a rear property line and to permit the proposed expansion of a service garage to be as close as 16 feet from a rear property line in lieu of the required 30 feet; to permit a residence to be as close as 8 feet from a rear property line in lieu of the required 30 feet; and in the event of the conversion of the existing residence to a general office use, a variance to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204  
MAY 30, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-454-A (Item 439)  
11600 Eastern Avenue - Bird River Garage  
NW/SE Eastern Avenue, 100' NE c/l Bowleys Quarters Road  
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Variance to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; to permit a service garage to be as close as zero feet from a side property line in lieu of the required 30 feet; to permit a service garage to be as close as 17 feet from a rear property line and to permit the proposed expansion of a service garage to be as close as 16 feet from a rear property line in lieu of the required 30 feet; to permit a residence to be as close as 8 feet from a rear property line in lieu of the required 30 feet; and in the event of the conversion of the existing residence to a general office use, a variance to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet.

[Signature]

Arnold Jablon  
Director

cc: Ernest Lucas, Jr.  
Leslie M. Pittler, Esq.

NOTES: (1) HEARING IS HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 13, 1994

Leslie M. Pittler  
Suite 610  
20 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 94-454-A, Item No. 439  
Petitioner: Ernest Lucas, Jr.  
Petition for Variance

Dear Mr. Pittler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 12, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 27, 1994  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief RWB/DAK  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for May 31, 1994  
Item No. 439

The Developers Engineering Section has reviewed the subject zoning item. A schematic landscape plan must be submitted and tentatively approved prior to the hearing.

RWB:sw

IN RE: PETITION FOR VARIANCE  
NW/SE Eastern Ave., 100' NE of  
the c/l of Bowleys Quarters Rd.  
(11600 Eastern Avenue)  
15th Election District  
5th Councilmanic District  
Ernie Lucas, Jr.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-454-A  
\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11600 Eastern Avenue, located in the Chase area of southeastern Baltimore County. The Petition was filed by the owner of the property, Ernie Lucas, Jr., seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.1 to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; from Section 238.2 to permit the existing service garage building to be as close as 0 feet from a side property line and as close as 17 feet from the rear property line in lieu of the required 30 feet for both, and to permit the proposed expansion of said service garage to be as close as 16 feet from the rear property line in lieu of the required 30 feet; from Section 302 to permit an existing residence to be as close as 8 feet from the rear property line in lieu of the required 30 feet; and from Section 238.2 to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet for both, in the event the existing residence is converted to general office use. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ernie Lucas, Jr., property owner, Mike Maguire, Registered Property Line Surveyor with Daft-McCune-Walker, Inc., and Leslie M. Pittler, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence revealed that the subject property consists of a gross area of 1.19 acres, more or less, predominantly zoned B.R. with a small sliver of D.R. 5.5 zoned land along the northern property line. The site is improved with a service garage and residence, which doubles as a temporary office. The Petitioner has operated a service garage from the subject site for the past five (5) years. In 1992, the property was rezoned to B.R. through the Comprehensive Zoning Reclassification process. At that time, the Petitioner was aware that a change in zoning would necessitate the variances which are the subject of this request. Therefore, the requested variances are necessary in order to bring the property into compliance with the current zoning regulations. Furthermore, as shown on Petitioner's Exhibit 1, the Petitioner proposes to expand his current operation by constructing an addition onto the existing service garage building and converting the residence to permanent office space for his business. No one appeared in opposition to the Petitioner's request, and the Petitioner submitted many letters of support from surrounding property owners, marked as Petitioner's Exhibit 2.

Mr. Maguire, a representative of Daft-McCune-Walker, Inc., briefly discussed the Zoning Plans Advisory Committee (ZAC) comments submitted by the various Baltimore County reviewing agencies, among which the Department of Public Works submitted a comment indicating that a schematic landscape plan must be submitted for review and approval. Mr. Maguire presented at the hearing the required landscape plan, marked as Petitioner's Exhibit 3,

- 2 -

which I accepted and approved as the landscaping treatment necessary for this site. Furthermore, a discussion ensued of the comment dated June 13, 1994 by the Department of Environmental Protection and Resource Management (DEPRM), during which the Petitioner agreed to abide by the terms enunciated therein.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

- 3 -

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of July, 1994 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.1 to permit the proposed expansion of a service garage to be as close as 18 feet from a front property line in lieu of the required 25 feet; from Section 238.2 to permit the existing service garage building to be as close as 0 feet from a side property line and as close as 17 feet from the rear property line in lieu of the required 30 feet for both, and to permit the proposed expansion of said service garage to be as close as 16 feet from the rear property line in lieu of the required 30 feet; from Section 302 to permit an existing residence to be as close as 8 feet from the rear property line in lieu of the required 30 feet; and from Section 238.2 to permit a building other than a residence to be as close as 8 feet from a rear property line and as close as 10 feet from a side property line in lieu of the required 30 feet for both, in the event the existing residence is converted to general office use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 4 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2) The Petitioner shall provide landscaping in accordance with that depicted on Petitioner's Exhibit 3.
- 3) The Petitioner shall comply with the requirements set forth in DEPRM comments dated June 13, 1994.

- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 21, 1994

Leslie M. Pittler, Esquire  
29 West Susquehanna Avenue, Suite 610  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
NW/SE Eastern Ave., 100' NE of the c/l of Bowleys Quarters Rd.  
(11600 Eastern Avenue)  
15th Election District - 5th Councilmanic District  
Ernie Lucas, Jr. - Petitioner  
Case No. 94-454-A

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

✓File



#439  
**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 11600 Eastern Avenue  
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

238.1, 238.2, 302, 238.2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

That the site was rezoned on the 1992 Comprehensive Zoning Map to BR. This petition will allow the needed variances to conform the site to its allowed use based upon practical difficulty to operate without the granting of said variances.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Phone No.

City

State

Zip Code

(We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zip Code

Phone No.

City

State

Zip Code

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